

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA GEARHART,	:	
	:	
Plaintiff	:	CIVIL ACTION NO.:
	:	
v.	:	
	:	
VALLEY SPORTS & ARTHRITIS	:	
SURGEONS,	:	
Defendant	:	

NOTICE OF REMOVAL

Valley Sports & Arthritis Surgeons ("VSAS"), defendant herein, hereby files this Notice of Removal in the above-titled action with the United States District Court for the Eastern District of Pennsylvania, pursuant to Title 28, Chapter 89, United States Code, and as grounds for this Notice, states as follows:

1. The above-captioned action, now pending in the Court of Common Pleas in Lehigh County, Pennsylvania, is a civil action brought by Plaintiff against Defendant in which Plaintiff alleges claims based on, *inter alia*, the Age Discrimination in Employment Act, 29 U.S.C. § 629, et seq. ("ADEA").

2. The above-described action, arising under the laws of the United States, is one for which this Court has original jurisdiction under 28 U.S.C. §1331.

3. This federal question matter, therefore, may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441(b), regardless of the citizenship or residence of the parties.

4. The complaint in this matter was served on VSAS on June 7, 2002, and a copy is attached hereto as Exhibit A. In accordance with the requirements of 28 U.S.C. §1446, this Notice of Removal is filed within 30 days after service of the Complaint upon Defendant.

5. By reason of the foregoing, Defendant desires and is entitled to have this action removed from the Court of Common Pleas of Lehigh County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, such being the district where the suit is pending.

6. A true and correct copy of this Notice will be filed with the Court of Common Pleas of Lehigh County and served upon all adverse parties as required by law.

WHEREFORE, Defendant Valley Sports & Arthritis Surgeons requests the removal of this action from the Court of Common Pleas of Lehigh County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, and requests this Court to accept jurisdiction of this action and place this action on the docket of this Court with further proceedings to be the same as if the action had been originally instituted in this Court.

STEVENS & LEE

By: _____

James W. Saxton, Esquire
Joseph D. Shelby, Esquire
25 North Queen Street
Suite 602
P.O. Box 1594
Lancaster, PA 17608-1594
(717)399-1721

Kenneth D. Kleinman, Esquire
One Glenhardie Corporate Center
1275 Drummers Lane, Suite 202
P.O. Box 236
Wayne, PA 19087-0236

Attorneys for Defendant Valley Sports & Arthritis
Surgeons

CERTIFICATE OF SERVICE

I, JOSEPH D. SHELBY, certify that on this date, I had served a certified true and correct copy of the foregoing Notice of Removal upon the following counsel of record, first class mail, postage prepaid, addressed as follows:

Donald P. Russo, Esquire
117 East Broad Street
P.O. Box 1890
Bethlehem, PA 18016-1890

Date: June ____, 2002

Joseph D. Shelby, Esquire

**IN THE COURT OF COMMON PLEAS
OF LEHIGH COUNTY, PENNSYLVANIA**

BARBARA GEARHART,	:	
	:	Civil Division
Plaintiff	:	
v.	:	No. 2002-C-1363
	:	
VALLEY SPORTS & ARTHRITIS	:	
SURGEONS,	:	
Defendant	:	

NOTICE OF NOTICE OF REMOVAL TO FEDERAL COURT

TO: Donald P. Russo, Esquire
117 East Broad Street
P.O. Box 1890
Bethlehem, PA 18016-1890

Now comes the Defendant Valley Sports & Arthritis Surgeons ("VSAS"), by and through undersigned counsel, and hereby gives notice to counsel for Plaintiff of the removal of this action from the Court of Common Pleas of Lehigh County to the United States District Court for the Eastern District of Pennsylvania on June ___, 2002. A copy of the Notice of Removal

filed with the United States District Court is attached hereto as Exhibit 1.

Respectfully submitted,

STEVENS & LEE

By: _____

James W. Saxton, Esquire
Joseph D. Shelby, Esquire
25 North Queen Street
Suite 602
P.O. Box 1594
Lancaster, PA 17608-1594
(717)399-1721

Kenneth D. Kleinman, Esquire
One Glenhardie Corporate Center
1275 Drummers Lane, Suite 202
P.O. Box 236
Wayne, PA 19087-0236

Attorneys for Defendant Valley Sports & Arthritis
Surgeons

CERTIFICATE OF SERVICE

I, JOSEPH D. SHELBY, certify that on this date, I had served a certified true and correct copy of the foregoing Notice of Notice of Removal to Federal Court upon the following counsel of record, first class mail, postage prepaid, addressed as follows:

Donald P. Russo, Esquire
117 East Broad Street
P.O. Box 1890
Bethlehem, PA 18016-1890

Date: June ____, 2002

Joseph D. Shelby, Esquire

**IN THE COURT OF COMMON PLEAS
OF LEHIGH COUNTY, PENNSYLVANIA**

BARBARA GEARHART,	:	
	:	Civil Division
Plaintiff	:	
v.	:	No. 2002-C-1363
	:	
VALLEY SPORTS & ARTHRITIS	:	
SURGEONS,	:	
Defendant	:	

NOTICE TO PROTHONOTARY OF NOTICE OF REMOVAL

TO: The Prothonotary of the
Court of Common Pleas of Lehigh County

Pursuant to 28 U.S.C. § 1446(d), Defendant Valley Sports & Arthritis Surgeons
("VSAS"), hereby files a copy of the Notice of Removal filed in the United States District Court
for the Eastern District of Pennsylvania on June __, 2002.

Respectfully submitted,

STEVENS & LEE

By: _____

James W. Saxton, Esquire
Joseph D. Shelby, Esquire
25 North Queen Street
Suite 602
P.O. Box 1594
Lancaster, PA 17608-1594
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Kenneth D. Kleinman, Esquire
One Glenhardie Corporate Center
1275 Drummers Lane, Suite 202
P.O. Box 236
Wayne, PA 19087-0236

Attorneys for Defendant Valley Sports & Arthritis
Surgeons

CERTIFICATE OF SERVICE

I, JOSEPH D. SHELBY, certify that on this date, I had served a certified true and correct copy of the foregoing Notice to Prothonotary of Notice of Removal upon the following counsel of record, first class mail, postage prepaid, addressed as follows:

Donald P. Russo, Esquire
117 East Broad Street
P.O. Box 1890
Bethlehem, PA 18016-1890

Date: June ____, 2002

Joseph D. Shelby, Esquire

